

REMARKS

This Preliminary Amendment is filed concurrently with a Request for Continued Examination (RCE) in response to the final Office Action of July 16, 2007.

Claims 15-30 were previously pending in the application. Claims 15-30 have been rejected. The final Office Action rejected Claims 15-30 as being unpatentable over U.S. Pat. No. 6,112,502 to Frederick et al. ("the Frederick reference") in view of U.S. Pat. No. 5,797,515 to Liff et al. ("the Liff reference"). Applicants have amended independent Claims 15 and 23 to further clarify aspects of the present invention. Dependent Claims 20 and 28 have also been amended so that their language is consistent with amended Claims 15 and 23, respectively. No new matter was added as a result of these amendments. It is respectfully submitted that in light of the arguments and claim amendments, the application is now in condition for allowance.

Applicants have amended independent Claims 15 and 23 to recite, *inter alia*, receiving information input into a handheld device from an indicium on an open shelving system, said information identifying an item stocked on said open shelving system; receiving a quantity of item requested at a decentralized storage location into the handheld device; receiving into a workstation a current quantity of said item stored in a centralized storage location; transferring the information and the quantity of said item requested from the handheld device; automatically comparing, in a computing device, the current quantity to a par level for said item; and queuing in the computing device a restocking package to be processed for the decentralized storage location in response to the information and the quantity of said item requested. (Emphasis added). Applicants submit that neither the Liff reference, nor the Frederick reference, alone or in combination, teaches or suggests the elements of independent Claims 15 and 23, as amended.

The Liff reference teaches comparing a package bar code label with a column bar code label before loading the package into a column, and recording the number of bottles in each column. This comparison may take place visually as the reference does not explicitly teach or suggest scanning either the package bar code label or the column bar code label to perform the comparison. *See* col. 6, lines 45-67. The Liff reference then teaches scanning the package bar code label as a package is dispensed. *See* col. 6, lines 51-54.

However, among other things, the Liff reference does not teach or suggest receiving into a handheld device a quantity of item requested at a decentralized storage location and receiving into a workstation a current quantity of said item stored in a centralized storage location. Nor does the Liff reference teach or suggest queuing in the computing device a restocking package to be processed for a decentralized storage location in response to the information and the quantity of said item requested.

The Frederick reference discloses a method for monitoring, dispensing, and restocking medical items from a plurality of storage locations. Each storage location of the Frederick reference is marked with a desired level or quantity for the item contained therein. Each storage location is further marked with one or more scannable indicia (e.g., bar code labels) corresponding to a "quantity condition." For example, one scannable indicium may correspond to a "below par level" condition, while another indicium may correspond to an "out of stock" condition. A user of the system determines whether an item requires restocking, such as by determining if the current quantity of the item is below the indicated par level or if the item is out of stock. The user then scans the appropriate indicium, corresponding to the determined quantity condition, using a handheld device. This causes the transmission of a message indicating that the particular storage location requires restocking. A data store may also include data representative of the number of units remaining in each storage location.

However, among other things, the Frederick reference does not teach or suggest receiving into a handheld device a quantity of item requested at a decentralized storage location and receiving into a workstation a current quantity of said item stored in a centralized storage location. Nor does the Frederick reference teach or suggest queuing in the computing device a restocking package to be processed for a decentralized storage location in response to the information and the quantity of said item requested.

In view of the the remarks presented above, Applicants respectfully submit that independent Claims 15 and 23, as well as the claims that depend therefrom, are patentable over the cited references, alone or in combination. As such, all of the present claims of the present application are in condition for immediate allowance.

Appl. No.: 10/820,209
Amendment Dated December 7, 2007
Reply to Office action of July 16, 2007

CONCLUSION

In view of the remarks presented above, it is respectfully submitted that the rejection of Claims 15-30 should be withdrawn. As such, all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/R. Flynt Streat/

R. Flynt Streat
Registration No. 56,450

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
CLT01#4803313v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON December 7, 2007.